

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Oscar Brown, Jr

Docket No. 7:02-CR-14-1

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Oscar Brown, Jr., who, upon an earlier plea of guilty to Distribution of Cocaine Base, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on June 3, 2002, to the custody of the Bureau of Prisons for a term of 188 months. On October 1, 2003, pursuant to a Rule 35 Motion, the sentence was reduced from 188 months to 113 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 72 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
5. The defendant shall provide the probation office with access to any requested financial information.
6. The defendant shall pay to the United States a fine of \$10,300, no interest, due immediately.
7. The defendant shall pay a special assessment of \$100.

Oscar Brown, Jr., was released from custody on December 17, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 7, 2011, the releasee submitted a urine screen at the U.S. Probation Office that revealed positive results for the use of cocaine. The releasee denied using any illegal drugs. The specimen was forwarded to Alere Toxicology on that same date and was returned on April 13, 2011, confirming the positive results for cocaine.

On April 20, 2011, the releasee was again questioned regarding the positive drug screen. He denied knowingly using cocaine but admitted that someone may have put something in his drink while he was working at his brother's club recently. The releasee was admonished for his actions. He was reminded that he is to comply with an alcohol abstinence condition and he must refrain from drinking alcoholic beverages and frequenting bars or clubs where the primary product to the consumer is alcohol. The releasee agreed to abide by all conditions and apologized for his actions. It is recommended the releasee's conditions be modified to include a weekend in jail sanction and his participation in the DROPS program. He has been placed in the surprise urinalysis program and supervision has been intensified.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons from 6 p.m. on Friday to 6 p.m. on Sunday for a period of 1 weekend, as designated by the BOP and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Oscar Brown
Docket No. 7:02-CR-14-1
Petition For Action
Page 3

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: April 26, 2011

ORDER OF COURT

Considered and ordered this 27 day of April, 2011, and ordered filed and made a part of the records in the above case.



W. Earl Britt
Senior U.S. District Judge